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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/722,125 | 11/26/2003 | Ioan Sasu | 9-2993-366US-1 | 4837 |
| 32292 | 7590 | 12/13/2005 | EXAMINER | |
| OGILVY RENAULT LLP (PWC) 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A 2Y3 CANADA | | | COZART, JERMIE E | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3726 | |
| DATE MAILED: 12/13/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/722,125 | Applicant(s) SASU ET AL. | |
| | Examiner Jermie Cozart | Art Unit 3726 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-36 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32-34 is/are allowed.
- 6) ☒ Claim(s) 20-26, 28-31, 35 and 36 is/are rejected.
- 7) ☒ Claim(s) 27 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 4/26/04 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

Claim Objections

Claims 30 and 31 are objected to because of the following informalities: In claim 30, line 4, "bores" is grammatically incorrect in the used context and therefore "bores" should be changed to - bore- -. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 28-31 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for finishing the first and second bores, does not

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reasonably provide enablement for the first and second bores being finished before the second bore is machined. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. It is unclear as to how the first and second bores can be finished before the second bore is machined. There is no description of this step of the process in the specification as this step as recited by claim 28 does not seem physically possible when the second bore has already been machined in independent claim 20. Appropriate correction is required.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 28-31, 35, and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In **claim 28**, lines 2-3, it is unclear as to how "the first and second bores are finished before the second bore is machined". In **claim 35**, lines 9-10, it is unclear as to what is meant by the phrase "the object reacts forces asymmetrically on the tool". Appropriate correction is required.

6. Claim 35 recites the limitation "the second hole" in line 17 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

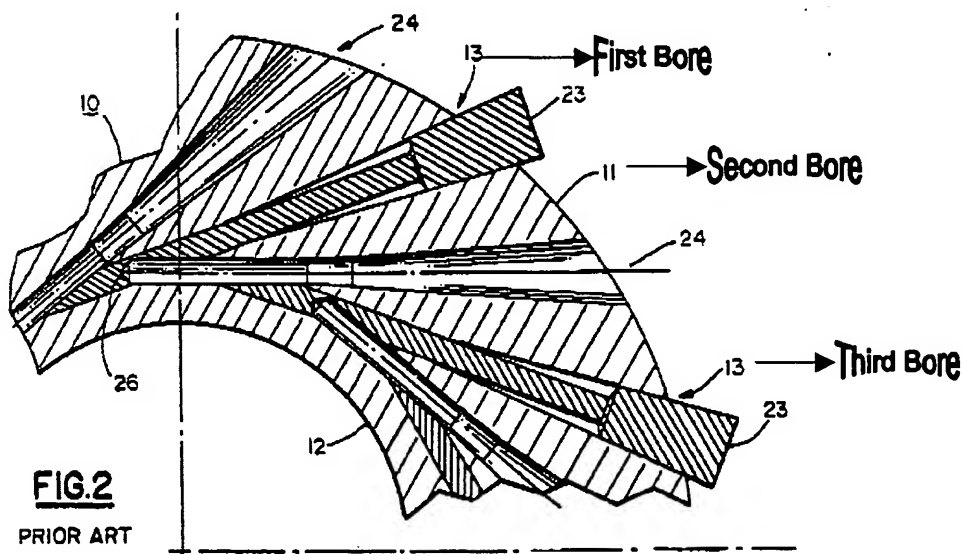
A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 20-26 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Brasz (5,131,142).

Brasz discloses machining plurality of intersecting bores (13, 24) in an object (10), the plurality of bores (13, 24) including at least one bore intersecting at least another bore at an acute angle, wherein a first bore (13) is machined, then plugged with a first plugging member (23). A second bore (24) is machined so as to acutely intersect the first bore (13) and the plugging member (23). The plugging member (23) is removed from the first bore. A third bore (13) is plugged with a second plugging member (23) prior to performing machining of the second bore (24), and wherein the second bore (24) acutely intersects the third bore (13) and the plugging member therein. The first bore (13) and the third bore (13) intersect the second bore (24) asymmetrically.



Brasz discloses the object (10) having a curved peripheral surface, and wherein the first and second bores (13, 24) are disposed substantially tangentially relative to the curved peripheral surface. The plugging member (23) is made of the same material as the object. The plugging member (23) is adapted to protect a surface of the first bore. The first bore (13) is finished before the second bore (24) is machined.

The machining of the second bore is performed with a tool (a drill which is not shown in fig.1), wherein the second and first bores (24, 13) intersect in a manner such that the object (10) reacts forces asymmetrically on the tool (not shown) when the tool intersects the first bore, the asymmetric forces tending to deflect the tool laterally from a central axis of the second bore, and wherein the first bore is plugged with a plugging member (23) prior to machining the second hole (24), the plugging member (23) is adapted to reduce the asymmetry and thereby maintain alignment of the tool (not shown) with the second bore central axis.

See column 2, line 48 – column 3, line 57, and figures 1-5 for further clarification.

Allowable Subject Matter

9. Claim 27 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
10. Claims 32-34 are allowed.
11. The following is a statement of reasons for the indication of allowable subject matter: Regarding **claim 32**, the prior art does not teach or suggest burnishing a portion

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of the second bore limited to a depth less than the intersection of the first and second bores in combination with the other claimed limitations.

12. Claim 36 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references cited on the attached PTO-892 are cited to show making diffusers and burnishing.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermie Cozart whose telephone number is 571-272-4528. The examiner can normally be reached on Monday-Thursday, 7:30 am - 6:00 pm.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Jimenez can be reached on 571-272-4530. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Jermie Cozart", with a stylized flourish at the end.

Jermie Cozart
Examiner
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A handwritten signature in black ink, consisting of the letters "JC" followed by a stylized flourish.

December 6, 2005